Attorney's Docket Number: 3766.220-US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY
the specification of which (check only one item below):
[] is attached hereto
[X] was filed as United States application
Serial No. to be assigned
on <u>May 30, 1995</u>
and was amended
on
[] was filed as PCT international application
Number
on,
and was amended under PCT Article 19
on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign applications(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:						
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119			
			[] YES [] NO			
			[]YES []NO			
			[]YES []NO			
			[]YES []NO			
			[]YES []NO			
1			[] VES [] NO			

4

13 14 15

Uĭ

L

Z.

Attorney's Docket Number: 3766.220-US

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS					ICATIONS (STATUS (Check one)			ne)
U.S. APPLICATION NUMBER			U.S. FILING DATE	Pate	ented	Pending	Abandoned			
07/971,786			November 5, 1992				x			
07/990,202			December 14, 1992				x			
	08/	095,240				July 20, 1993				x
	08/	146,852				November 3, 1993			x	<u> </u>
			 				_			
	· · · · · · · · · · · · · · · · · · ·	PCT	APPLICATI	IONS DE	SIGNATING TH	E U.S.				
	APPLICATION N	10.		FILING	DATE	US SERIAL NUMBERS ASSIGNED (if any)				
1		<u>.</u>								
<u>.</u>										
										
1	Steve T. 2	Zelson E	nd transa Elias J.	ct all Lambiri	business in s Cheryl	by appoint the following atto the Patent and Trademark Of H. Agris Karen A. Lowney . 34.086 Reg. No. 31.274	fice conn James	ected th J. Hari	erewith. rington	
s		Zelson E 30,335 F	nd transa Elias J. Reg. No. Steve T. Novo Nord 405 Lexi	Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400	fice conn James	Direct	rerewith. rington //11 Telephone Car	lls To:
s	Steve T. 2 Reg. No. 3	Zelson E 30,335 F	nd transa Elias J. Reg. No. Steve T. Novo Nord 405 Lexin	Lambiri 33,728 Zelson disk of ngton A	business in S Cheryl Reg. No , Esq.	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400	fice conn James	Direct	rington (11 Telephone Ca teve T. Zelso (212) 867-012	lls To:
154111 il. 113411 fine5c	Steve T. 7 Reg. No. 3 and Corresponde Full Name	Zelson F 30,335 F ance to:	nd transa Elas J. Reg. No. Steve T. Novo Nor 405 Lexin New York	Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 6400 Pirst Given Name	fice conn James	pirect Signature of the second dive	rewith. rington 11 Telephone Ca teve T. Zelso (212) 867-012 m Name	lls To:
S S	Steve T. 7 Reg. No. 3 and Corresponde Full Name of Inventor Residence &	Panily Name Outtru City DK-375 Post Office	nd transa Elas J. Reg. No. Steve T. Novo Nor 405 Lexi New York P	Lambiri 33,728 Zelson disk of ngton , New Y	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 6400 First diven Name Helle State or Foreign Country	fice conn James	second diversity of Denma	remewith. rington 11 Telephone Ca teve T. Zelso (212) 867-012 m Name Citizenship rk code/country	lls To:
S	Reg. No. 3 Pand Corresponde Full Name of Inventor Residence & Citizenship Post Office	Panily Name Outtru City DK-375 Post Office	nd transa Elias J. Reg. No. Steve T. Novo Nore 405 Lexi New York D Address lehusvej	Lambiri 33,728 Zelson disk of ngton , New Y	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney 34,086 Reg. No. 31,274 ica, Inc. 6400 6400 First diven Name Helle State or Foreign Country Denmark City	fice conn James	Siste 6 Zin	remewith. rington 11 Telephone Ca teve T. Zelso. (212) 867-012 m Name Citizenship rk code/Country rk	lls To:
S	Reg. No. 3 Prof. To Reg. No. 3 Prof. No. 3	Panily Name Outtru City DK-375 Post Office Syvend Panily Name	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexi New York D Address ehusvej	Lambiri 33,728 Zelson disk of ngton , New Y	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 6400 First Given Name Helle state or Foreign Country Denmark City DK-3750 Ballerup First Given Name	fice conn James	second diversity of Denma state & Zij Denma second diversity of Denma state & Zij Denma second diversity Denma sec	rington Telephone Ca teve T. Zelso. (212) 867-012 In Name Citizenship rk D. code/Country rk In Name Citizenship	lls To:
S	Reg. No. 3 Pand Corresponde Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence &	Panily Name Outtru City DK-375 Post Office Syvend Family Name Lidste City Sacram Post Office	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexin New York P O Address lehusvej	ct all Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 6400 First Given Hame Helle State or Foreign Country Denmark City DK-3750 Ballerup First Given Hame William State or Foreign Country	fice conn James	second diversity of Denma state & Zii Denma scountry of Denma state & Zii Denma scountry of U.S.A	rington Telephone Ca teve T. Zelso. (212) 867-012 In Name Citizenship rk D. code/Country rk In Name Citizenship	11s To:
S cance many in the state of th	Reg. No. 3 Prof. Target No. 3 Prof. Target Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Residence & Citizenship Post Office	Panily Name Outtru City DK-375 Post Office Syvend Family Name Lidste City Sacram Post Office	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexin New York D Address lehusvej	ct all Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 6400 First Given Hame Helle State or Foreign Country Denmark city DK-3750 Ballerup First Given Hams William state or Foreign Country California	fice conn James	second diversity of Denma state & Zii Denma scountry of Denma state & Zii Denma scountry of U.S.A	rerewith. rington 11 Telephone Ca teve T. Zelso (212) 867-012 In Name Citizenship rk code/Country rk so Name Citizenship citizenship code/Country ry code/Country code/Country code/Country code/Country code/Country	11s To:
S Sand Harr 'il hing 'il hi	Reg. No. 3 Prof. 2 Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name	Panily Name Lidste city Sacram Post office 4641 D Panily Name Post office Facily Name Lidste	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexin New York p 0 Address ehusvej er eento Address O Street	ct all Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney 34,086 Reg. No. 31,274 ica, Inc. 6400 First diven Hame Helle State or Foreign Country Denmark City DK-3750 Ballerup First diven Hame William State or Foreign Country California City Sacramento First diven Mame	fice conn James	second diversity of Denma state & Zin Denma second diversity of U.S.A state & Zin Calif	recewith. rington Telephone Ca teve T. Zelso (212) 867-012 m Name Citizenship rk code/Country rk m Name Citizenship code/Country ornia 95819 m Name Citizenship citizenship	11s To:
Section of the state of the sta	Reg. No. 3 Provention of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Res	ramily Name Outtru city DK-375 Post Office Syvend Family Name Lidste city Sacram Fost office 4641 D Family Name MacInt city Woodla	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexi New York p 0 Address ehusvej er mento Address O Street	ct all Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney 34,086 Reg. No. 31,274 ica, Inc. 6400 6400 First diven Name Helle State or Foreign Country Denmark city DK-3750 Ballerup First diven Hame William State or Foreign Country California city Sacramento First diven Hame Susan State or Foreign Country	fice conn James	second diverse of the	recewith. rington Telephone Ca teve T. Zelso (212) 867-012 m Name Citizenship rk code/Country rk m Name Citizenship code/Country ornia 95819 m Name Citizenship citizenship	11s To: n 3
Section of the state of the sta	Reg. No. 3 Provention of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address	ramily Name Outtru city DK-375 Post Office Syvend Family Name Lidste city Sacram Fost office 4641 D Family Name MacInt city Woodla	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexi New York p 0 Address ehusvej er nento Address o Street osh Address eborah S	ct all Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 6400 First diven Name Helle State or Foreign Country Denmark city DK-3750 Ballerup First diven Name William State or Foreign Country California city Sacramento First diven Name Susan State or Foreign Country California	fice conn James	second diverse of the	recewith. rington Telephone Ca ceve T. Zelso. (212) 867-012 In Name Citizenship rk Code/Country rk Citizenship - p code/Country ornia 95819 m Name Citizenship citizenship - p code/Country citizenship - p code/Country ornia 95819	11s To: n 3
State India I	Reg. No. 3 Residence & Citizenship	Panily Mane Cuttru City DK-375 Post Office Syvend Panily Mane Lidste City Sacram Post Office 4641 D Panily Mane MacInt City Woodla Post Office 908 De Panily Mane	nd transa Elias J. Reg. No. Steve T. Novo Nor 405 Lexir New York p 0 Address ehusvej er nento Address O Street osh Address eborah S	ct all Lambiri 33,728 Zelson disk of ngton A	business in s Cheryl Reg. No , Esq. North Amer venue, Suite	the Patent and Trademark Of H. Agris Karen A. Lowney . 34,086 Reg. No. 31,274 ica, Inc. e 6400 5400 First Given Mame Helle State or Foreign Country Denmark city DK-3750 Ballerup First Given Mame William state or Foreign Country California city Sacramento First Given Mame Susan State or Foreign Country California city California city Woodland First Given Mame	fice conn James	country of Denma state & Zi Denma Second Give Denma Second Give Denma State & Zi Denma Country of U.S.A state & Zi Calif Second Giv C.	recewith. rington 11 Telephone Ca ceve T. Zelso (212) 867-012 In Name Citizenship rk Code/Country rk Citizenship - p code/Country ornia 95819 Mame Citizenship citizenship critizenship critizenship critizenship critizenship critizenship critizenship critizenship critizenship critizenship critizenship	11s To: n 3

(In	cludes Refe	RATION FOR PATENT A rence to PCT Intern	APPLICATION national Ap	AND POWER OF ATTORNEY plications)	i e	.220-US	
5	Full Name of Inventor	Femily Hene Manker		First diven Name Denise		second diven Name Carol	
	Residence & Citizenship	city Davis		State or Foreign Country California		Country of Citizenship U.S.A.	
	Post Office Address	Fost Office Address 3037 Prado Lane		City Davis		state & Zip Code/Country California 95616/U.S.A.	
6	Full Name of Inventor	Family Heme		Pirst Given Mame		Second Given Name	
	Residence & Citizenship	CIty		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
7	Full Name of Inventor	Family Name		First Given Name		Second Given Hame	
	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
8	Full Name of Inventor	Family Heme		First Given Name		Second Civen Name	
	Residence & Citizenship	City	-	State or Poreign Country		Country of Citizenship	
m, am full hall	Post Office Address	Post Office Address		City		State & Zip Code/Country	
149	Full Name of Inventor	Family Name		First Given Name		Second Given Name	
	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship	
I.	Post Office Address	Post Office Address		City		State & Zip Code/Country	
C m link man	that wills	on and belief are believ ful false statements an	ed to be true; d the like so nited States (in of my own knowledge are tru; and further that these statem or made are punishable by fine Code, and that such willful faing thereon.	ments w	ere made with the knowledge	
Signatu	me of Inventor 1		Signature of Invent	•	Signatur	e of Inventor 3	
	· · · · · · · · · · · · · · · · · · ·		Willia	in D hoster	Du	wan C. Yhai Intosh	
Dàta			June	19, 1995	Deta / (; June 1995	
Signature of inventor 4 Nobert L. Hanne Data Tune 16, 1995					Signature of Inventor 6		
June 16, 1995			Date Jun	une 16, 1995			
Signatu	Signature of Inventor 7			rentor \$ Signatu		ignature of Inventor 9	
Date		 	Dete		Date		
	···						

Attorney's Docket Number: 3766.220-US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY
the specification of which (check only one item below):
[] is attached hereto
[X] was filed as United States application
Serial No. to be assigned
on <u>May 30, 1995</u>
and was amended
on
[] was filed as PCT international application .
Number
on
and was amended under PCT Article 19
on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign applications(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate *PCT*)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			[] YES [] NO
			[] YES [] NO
			[] YES [] NO
			[]YES []NO
			[] YES [] NO
			[] YES [] NO

E E

4

Uĭ

L

Ľ.

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications)

......

3766.220-US

I hereby claim the benefit under Title 35, United States Code \$120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, \$112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, \$1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

	U.S. APPLICATIONS				STATUS (Check one)		ne)	
	U.S. APPLICATION NUMBER			U.S. FILING DATE	Pat	ented	Pending	Abandoned
	07/971,786			November 5, 1992				x
	07/	990,202		December 14, 1992				x
	08/	095,240		July 20, 1993				х
	08/	146,852		November 3, 1993			x	
		PCT APPLICATIONS	DESIGNATING TH	E U.S.				
	APPLICATION N	O. FILI	NG DATE	US SERIAL NUMBERS ASSIGNED (if any)				
								
## ##					ŀ			
Ĭ								
			ll business in iris Cheryl H728 Reg. No.	the Patent and Trademark Off 1. Agris Karen A. Lowney 34,086 Reg. No. 31,274	ice conn James	ected th J. Harr No. 38,7	erewith.	
1		405 Lexingtor	of North Ameri Avenue, Suite York 10174-6	6400			eve T. Zelson (212) 867-0123	
	Full Name of Inventor	Panily Hame Outtrup		First Given Mame Helle	Second G		Second Given Hame Country of Citizenship Denmark	
The Tours	Residence & Citizenship	city DK- 2 750		1				
H. 18	Post Office Address	Poet Office Address Syvendehusvej 46				Denma:	Code/Country	
2	Full Name of Inventor	Family Hemo Lidster		First Given Hame William	Second div		rect Kame	
	Residence & Citizenship	city Sacramento		1		Country of Citizenship U.S.A.		
	Post Office Address	Post Office Address 4641 D Street		city Sacramento			o code/country ornia 95819	/U.S.A.
3	Full Name of Inventor	Family Hame MacIntosh		First diven Name Susan		Second Give	on Hame	
	Residence & Citizenship	Gity Woodland		State or Foreign Country California		Country of U.S.A	Citizenship	
	Post Office Address	Post Office Address 908 Deborah Stree	et	city Woodland			ornia 95695	/U.S.A.
1	Full Name of Inventor	remily Mame Starnes		First Given Mame Robert		Becond Give	on Name	
	Residence & Citizenship	city Sacramento		State or Foreign Country California		Country of U.S.A	Citizenship	
	Post Office Address	CG Poet Office Address		city Sacramento		State & Zip Code/Country California 95825/U.S.A.		

COM:	BINED DECLA Cludes Refe	RATION FOR PATENT A rence to PCT Intern	PPLICATION ational Ap	AND POWER OF ATTORNEY plications)		. 220-US	
5	Full Name of Inventor	remily Heme Manker		First diven Name Denise		Second Given Hame Carol	
	Residence & Citizenship	ctey Davis		state or Foreign Country California		Country of Citizenship U.S.A.	
	Post Office Address	Poet Office Address 3037 Prado Lane		city Davis		state a zip code/country California 95616/U.S.A.	
6	Full Name of Inventor	Family Hame		First Given Name		Second Diven Name	
	Residence & Citizenship	Cley		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
7	Full Name of Inventor	Family Name		First Given Name		Second Given Name	
	Residence & Citizenship	city		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
8	Full Name of Inventor	Family Fame		First Given Name		Second Given Name	
	Residence & Citizenship	City	:	State or Foreign Country		Country of Citizenship	
Hall Had	Post Office Address	Post Office Address		City	•	State & Zip Code/Country	
Here there are the second seco	Full Name of Inventor	Family Hame		First Given Name		Second Given Name	
	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
April Hall Brown	that will: section 10	on and belief are believ ful false statements an	ed to be true d the like so nited States	in of my own knowledge are tru; and further that these states made are punishable by fine Code, and that such willful faing thereon.	ments w	ere made with the knowledge	
	re of Inventor 1	D II	Signature of Invent	of Inventor 2 Signati		e of Inventor 3	
Det-	Helle C	Pulling					
	11/6 13	85	Date	Date			
Signatu	Signature of Inventor 4		Signature of Invent	Signature of Inventor 5 Signa		Signature of Inventor 6	
-	0.1.						
Dece	Dete		Date		Date	Date	
Signetu	Signature of Inventor 7		Signature of Invent	ventor S Signet		ignature of Inventor 9	
Date	-		Date		Date		
	Date						

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	H. Outrrup <i>et al</i> .) Attorney Docket No.: 5910.US.C4
~ ~	-) VAL6131P0208AUS
Serial Number	er: unassigned, continuation)
of U.S	S. Patent Application Serial No	o.)
09/01	3,375)
) Group Art Unit: unassigned
Filing Date:	May 15, 2001)
_	•) Examiner: unassigned
Re: Mutants	Which Produce a Potentiator)
of Ba	acillus Pesticidal Activity)

DECLARATION AS TO THE DEPOSIT OF A MICROORGANISM

Commissioner for Patents Washington, D.C., 20231

Dear Sir:

I hereby declare:

- that I, Martin L. Katz, am the attorney of record in the above-mentioned U.S. Patent Application, (which is a continuation of U.S. Patent Application Serial No. 09/013,375) entitled "Mutants Which Produce a Potentiator of *Bacillus* Pesticidal Activity" filed on May 15, 2001 in the United States Patent and Trademark Office;
- that a culture of strains EMCC 0086, EMCC 0087, EMCC 0129 and EMCC 0130 has been deposited according to the Budapest Treaty with the Agricultural Service Patent Culture Collection, Northern Regional Research Center, University Street, Peoria, IL,

VAL6131P0208A Page 1 of 3

61604, USA;

- that the deposit meets the criteria set forth in 37 C.F.R. Sections 1.801-1.809, which
 deposits designated as deposit Accession Numbers NRRL B-21147; NRRL B-21148;
 NRRL B-21445 and NRRL B-21444 respectively;
- 4. that the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Sec. 122;
- 5. that upon issuance of a patent on the above-identified application, all restrictions as to public availability of the culture deposit will be irrevocably removed and that said culture deposit will be replaced should the depository be unable to distribute the sample upon a proper request during the period that extends thirty years from the date of deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest, with the understanding that the availability of a deposit does not constitute a license to practice the subject invention in derogation of patent rights granted by governmental action; and

VAL6131P0208A Page 2 of 3

that I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

5/15/01 Date

Attorney for the Applicants